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Via ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation in Wireline and Cable Modem Broadband Internet Access Proceedings -- CC Docket Nos. 95-20, 98-10 and 02-33, and CS Docket No. 02-52

Dear Ms. Dortch:

On January 29, 2004, Stewart A. Baker and Daniel C.H. Mah of Steptoe & Johnson LLP, Kate Dean of the United States Internet Service Provider Association, Larry Fenster of MCI, Inc., Christopher Bubb of America Online, Inc., Karen B. Possner of BellSouth Corporation, and Robin O'Reilly of Cable & Wireless met with Commission staff. Bernie Ku of MCI, Inc. and Lloyd Nault of BellSouth Corporation also attended the meeting via telephone conference.

The following Commission staff were in attendance: Jeff Carlisle, Thomas Beers, Cathy Zima, Robert Tanner and Carol Matthey of the Wireline Competition Bureau; Robert Pepper and J. Scott Marcus of the Office of Strategic Planning; Shanti Gupta of the Office of Engineering and Technology; Kyle Dixon, Alison Greenwald, Priscilla Lee and John Kiefer of the Media Bureau; Susan Aaron, Elizabeth Lyle and John Stanley of the Office of General Counsel; David Furth and Thomas P. Stanley of the Wireless Telecommunications Bureau; and David Krech and Tony Dale of the International Bureau.

At the meeting, concerns were raised about any attempt to subject all "Internet access service" providers to the Communications Assistance for Law Enforcement Act ("CALEA") in order to

facilitate interception of Voice Over Internet Protocol ("VOIP"). The companies present at the meeting cautioned against adopting a broad approach. The legislative history of CALEA indicates that Internet service providers were not intended to be subject to its requirements. The companies explained (a) the risks of making law enforcement requirements a design constraint on Internet networks and the effect this would have on innovation; (b) the political obstacles and practical limitations arising from "Carnivore"; (c) the many different voice applications and network configurations that can be found on the Internet; (d) the technical difficulties faced by Internet service providers in separating voice packets (and any embedded call information) from all other data packets on their network when they are not the provider of the voice application; (e) the cost burdens associated with CALEA implementation and the attempts by law enforcement to shift costs to providers; and (f) the difficulties of obtaining cost reimbursements under CALEA at this late stage.

Nevertheless, even without a clear CALEA obligation, it was emphasized that most Internet service providers have been cooperating fully with law enforcement's authorized interception requests and will continue to do so in the future. The frequency of IP network interception requests and the ability and willingness of Internet service providers to comply with such requests were also discussed with Commission staff.

If you have any questions concerning this notice, please do not hesitate to contact me.

Respectfully submitted

/s/

Stewart A. Baker